

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Cogent Communications of California, Inc. for a Certificate of Public Convenience and Necessity to Provide Competitive Resold and Facilities-Based Local Exchange Service, IntraLATA and Intra-State InterLATA Services in the State of California.

Application 02-02-010
(Filed February 13, 2002)

ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING THE APPLICANT TO INDICATE WHETHER IT WANTS TO PURSUE THE APPLICATION

This application involves construction that requires approval under the California Environmental Quality Act (CEQA). By Decision 02-09-012, the applicant was given limited facilities-based authority. The applicant has not pursued the CEQA portion of the application. I have made inquiries, but have been unable to get a response from the applicant as to whether it wishes to continue with the application. It appears that the applicant no longer wants to do so. Therefore, if I do not receive a response to this ruling by the date specified below, I will assume that the applicant no longer wants approval of its proposed construction. I will then prepare a decision for the Commission's consideration that closes the proceeding, and denies full facilities-based authority for failure to prosecute.

THEREFORE, IT IS RULED that:

1. The Applicant shall file a response to this ruling no later than March 25, 2003.

2. The response shall indicate whether the applicant wants to pursue this application.

3. If the applicant wants to pursue the application, it shall explain how it plans to do so.

Dated March 13, 2003, at San Francisco, California.

/s/ Jeffrey P. O'Donnell
Jeffrey P. O'Donnell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring the Applicant to Indicate Whether It Wants To Pursue the Application on all parties of record in this proceeding or their attorneys of record.

Dated March 13, 2003, at San Francisco, California.

/s/ Antonina v. Swansen

Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.